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AN ACT TO INCORPORATE THE CITY OF WINNIPEG.

37 Vic., Cap. 7. Assented to November 8, 1873.

WHEREAS a great number of the inhabitants of Winnipeg have represented that it is desirable that the same should be incorporated as a City under the name of Winnipeg—

Therefore Her Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Manitoba, enacts as follows :

I. From and after the passing of this Act, the inhabitants of the City of Winnipeg as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Mayor and Council of the City of Winnipeg," and separated from the County of Selkirk for all municipal purposes, and by the same name they and their successors shall have perpetual succession and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits of law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said City, of becoming parties to any contracts or agreements in the management of the affairs of the said City; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the executing or guaranteeing the execution of any duty, right or thing whatsoever.

II. The said City of Winnipeg shall be bounded as follows :

Commencing where the northerly limit of lot 224, in the Parish of St. John, according to the Hudson's Bay Company's

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Register, strikes the water's edge of the Red River; thence north-westerly along the said limit of said lot to where the same intersects the eastern limit of the main highway from Winnipeg to the lower parishes; thence along the said highway southerly across the said lot 224; thence north-westerly along the southerly limit of the said lot to the rear thereof; thence southerly along the rear of the lots in the settlement belt to the westerly angle of lot 249, originally bought from the Hudson's Bay Company by William Drever; thence south-easterly along the southerly limit of the said lot 249, to where the same would be intersected by the extension of the easterly limit of the street laid out by the said Hudson's Bay Company between lot, pensioner's, 54, and lot 1212 fronting on the Assiniboine River; thence southerly along the east limit of the said street to the water's edge on the said Assiniboine River; and thence along the latter easterly to the Red River; and thence down the westerly edge of the same with the stream to the place of beginning.

III. The City shall be divided into four Wards, to be called respectively the North, South, East and West Wards, which shall be bounded as follows:

NORTH WARD.

All that portion of the City north of lot numbered 246, according to the survey made by authority of the Hudson's Bay Company.

SOUTH WARD.

All that portion of the City bounded as follows: commencing at the Red River at the south-eastern corner of a lot known as Dr. Schultz's lot, being a portion of lot No. 1210, thence westerly along the southern boundary of the said lot to the Main Street; thence northerly along the Main Street to a point opposite to the road known as the Portage la Prairie road; thence along the said Portage la Prairie road to the southern boundary of lot numbered 249, known as Drever's lot; thence along said southern boundary of Drever's lot to the western limit of the City; thence south-westerly along the boundary of the City to the Assiniboine River, and thence down the stream along the banks of the Assiniboine and Red Rivers to the place of beginning.

EAST WARD.

All that portion of the City lying between the North and South Wards, and east of the Main street.

WEST WARD.

All that portion of the City lying between the North and South Wards, and west of the main street.

IV. There shall be elected from time to time in the manner hereafter mentioned, a fit and proper person who shall be, and be called the Mayor of the City of Winnipeg, and three fit persons for each Ward, who shall be and be called Aldermen of the City of Winnipeg; and such Mayor and Aldermen for the time being shall form the Council of the said City, and shall be designated as such, and shall represent for all purposes whatsoever, the Corporation of the City of Winnipeg.

V. Every election shall be by Wards, and every Ward election shall be held within the Ward.

VI. No person being in holy orders, or the Minister of any religious belief whatever, the Judges of the Court of Queen's Bench or of the County Court, Sheriffs or Officers of the said Courts, nor Officers of Her Majesty's Army or Navy, or the Volunteers of Canada on active service, or salaried civil officers of the Dominion of Canada or of the Province, nor any person accountable for the revenues of the said City, shall be capable of being elected Mayor or Alderman of the said City; nor any officer or person presiding at the election of the Mayor or Alderman, while so employed, nor any person who shall have been convicted of treason or felony in any Court of Law within Her Majesty's Dominions, or elsewhere, nor any person having in person, or through his partner, or as a Director in any Incorporated Company, any contract whatever or interest in any contract with or for the said City, shall be capable of being elected Mayor or Alderman for the said City.

VII. The following persons shall not be obliged to accept the office of Mayor or Alderman for the said City, nor any other office to be filled by the Council of the said City, viz: Members of the Provincial Legislature, practising Physicians, Surgeons, and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years of age, and the members of the Council of the said City who have been so within the two years next preceding; and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty for refusing to accept such office, shall be exempt from serving in the same office during the two years next after such service or payment.

VIII. That the persons qualified to be elected as such Mayor or Aldermen shall be the male inhabitants of such City or Ward, who shall have resided at least six months next before such election within the said City, and who at the time of such election shall be possessed of real estate within the City or Ward therein to the value of two thousand dollars, and the householders within the said City who shall have resided in the City or Ward for at least six months next preceding such election, of property to the value of two hundred dollars, or a rental of three hundred dollars per annum; and no person shall be eligible to be elected as such Mayor or Alderman, who shall not be of the full age of twenty-one years, and a subject of Her Majesty by birth or by naturalization.

IX. That the persons qualified to vote at any such election shall be the male inhabitants of such City or Ward, and proprietors owning real estate to the value of one hundred dollars and upwards; and the male inhabitants of said City or Ward, occupying real estate to the value of twenty dollars per annum and upwards, but no person shall be so qualified to vote unless of the full age twenty-one years, and a subject of Her Majesty by birth or naturalization.

X. That the persons qualified to be elected or vote at the first election to be holden under this Act shall be the male freeholders or householders of the City or Ward, who shall have resided therein for at least three months next before such first election, and who are of the full age of twenty-one years, and by birth or naturalization subjects of Her Majesty.

XI. The Mayor and Aldermen shall be elected for one year only, and shall remain in office until their successors in office shall have been elected and sworn in.

XII. The Council shall from time to time, by By-law, appoint the place or places for holding the next ensuing municipal election; otherwise the election shall be held at the place or places at which the last election was held.

XIII. The electors of the City, shall elect annually, on the first Monday of January the Mayor and three Aldermen for each Ward, and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council is organized; and the first election under this Act shall be held on the first Monday in January, in the year one thousand eight hundred and seventy-four: Provided, however, that if such Monday should be a statutory holliday, the election shall be held on the next juridical day.

XIV. The Council shall from time to time, by By-law, appoint Returning-officers to hold the next ensuing elections ; and until the first Council shall be organized and appoint a Clerk, the Registrar of the County of Selkirk shall act as Clerk of the City, and shall appoint the Returning Officers and the time and places for holding the elections in conformity with this Act, and shall otherwise perform the duties of Clerk.

RULES FOR FIRST ELECTION.

(1.) Prior to the holding of the first election under the Act, a list of the persons qualified to vote according to its provisions, shall be made in manner following :

(2.) The Registrar of Deeds for the County of Selkirk, the Clerk of the County Court thereof, and the Sheriff shall be a Board to prepare the list of voters for such first election, and before entering on their duties shall make oath before a Justice of the Peace to the faithful performance of their duties as such in the form contained in Schedule to this Act.

(3.) Forthwith after the passing of this Act, the said Board shall meet and proceed to make out a list of persons for each Ward of the City who may be entitled to vote therein, arranged in alphabetical order.

(4.) After making such lists, the said Board shall lodge a copy of such lists, duly certified, in the office of the Registrar for the County of Selkirk, and shall cause the same to be published in two or more of the newspapers published in the City of Winnipeg, in two weekly issues thereof.

(5.) Within one week after the second publication of such lists, notice shall be given by the Sheriff, by authority of one of the Judges of the Court of Queen's Bench, that on a certain day and hour, one or more of the Judges will attend for the purpose of revising the said lists, and will continue to sit from day to day, or by adjournment if need be, till he or they shall have completed the revision of such lists.

(6.) At such Court of Revision, any person claiming to be entitled to vote, or any person whose name is already included on such list, on the behalf of any such person, may apply to the Court to have the name of such person included in the list, and the Judge, after hearing such evidence as may be adduced before him in support of or against the same, shall decide as to justice shall appertain.

(7.) In like manner, any person whose name is already included on the list, may apply to the Judge to have the name of any person included thereon, and whom he alleges to be improperly placed on such list, as not being entitled to vote, removed therefrom; and the Judge, after hearing such evidence as may be adduced before him in support of or against such application, shall decide as to justice shall appertain.

(8.) At the close of each Electoral Court, the presiding Judge shall make out and sign a list of such of the names objected to as in his judgment should be struck from the list, and of such of the names of parties alleged to have been omitted, as in his judgment should be added thereto, and return the same to the said Board, who shall forthwith make out a new list, incorporating therein the alterations and amendments contained in the Judge's certified list, and shall sign and fyle the same in the office of the Registrar of Deeds for the County of Selkirk.

(9.) The list so signed and fyled shall be the Register of voters for the first election of the Mayor and Aldermen under this Act, and no person shall be allowed to vote at such election whose name is not included on such revised list.

(10.) No oath shall, before voting, be by the Returning Officer put to any person, except as to whether the person so offering to vote is the person named in the list, and that he is a subject of Her Majesty.

(11.) The Judge shall have power, by any instrument under his hand, to compel the attendance of any person at such Court to give evidence before him as to any application before the Court, and shall have power to maintain order in such Court, and summarily punish by fine or imprisonment any contempt of Court.

(12.) The Judge, in his discretion, may at the first meeting of the Court, adjourn the same to a future day, and order that notice within ten days, shall be given to him in writing of any applications by any party as aforesaid to add to, or strike off, names from the said list, and an abstract of such notices, prepared by him, shall be for public inspection in the office of the Registrar of Deeds for the County of Selkirk during such period as he shall order; and public notice shall be given by direction of the Judge, in one or more of the newspapers published in the City of Winnipeg, of the day, hour, and place at which the adjourned sitting of the Court will be held, to hear and dispose of all such applications.

(13.) A reasonable allowance shall be made by the Council of the City to the said Board, for preparing such list, and in case of dispute, one of the Judges of the Court of Queen's Bench shall have power to finally decide the same, and the cost of all advertisements in pursuance of this Act shall be paid by the Council of the said City, as also all costs of the passing of this Act, inclusive of the printing thereof.

XV. In case at the time appointed for holding an election, the person appointed to be Returning Officer has died, or does not attend to hold the election within one hour after the time appointed, or in case no Returning Officer has been appointed, the electors present at the place for holding the election, may choose from amongst themselves a Returning Officer, and such Returning Officer shall have all the powers, and shall forthwith proceed to hold the election and perform all the other duties of a Returning Officer.

XVI. The Returning Officer shall, during the election, act as a Conservator of the Peace for the City; and he, or any Justice of the Peace having jurisdiction in the City, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election; and when thereto required, all constables and persons present at the election shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanor.

XVII. Every Returning Officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as constable and required to be sworn in as a special constable by the Returning Officer or Justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

XVIII. The proceedings at elections shall be as follows:

(1.) Every Returning Officer shall, unless otherwise provided by law, give at least ten days' previous notice of the election to be held by him, by posting the notice in at least four public places in the City or Ward, and shall also publish the said notice in at least one newspaper published within the City.

(2.) The Clerk of the City shall deliver to the Returning Officer who is to preside at an election for the same, or for every or any Ward thereof, a correct copy of so much of the last revised Assessment-Roll for the City or Ward as contains the names of all male freeholders and householders rated upon the roll in respect of real property lying in the City or Ward, with the assessed value of the real property for which every such person is so rated.

(3.) The Clerk shall deliver with such copy his solemn declaration under oath before a Justice of the Peace, to the effect that the copy is a true copy of so much of the said Roll as relates to such City or Ward.

(4.) The Returning Officer shall provide a poll-book ; and at every election at which a poll is demanded, he, or his sworn poll-clerk, shall enter in such book, in separate columns the names of the candidates proposed and seconded as Alderman by any electors present at the election, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure " 1 " opposite the voter's name.

(5.) The Returning Officer shall commence every election at nine o'clock of the forenoon ; and no nomination shall be received after ten o'clock.

(6.) The Returning Officer may close the election in one hour after commencing the same, if within that time no more candidates are proposed than by his writ he is to return ; but in case there are more candidates and a Poll is demanded, he shall keep open the election until five o'clock in the afternoon and no longer ; or should there be more than one candidate for the Mayoralty, the Returning Officer shall keep open the poll until five o'clock of the afternoon.

XIX. The Returning Officer may administer all oaths or affirmations necessary at the election.

XX. At any election, or at any public vote in respect of a By-law which requires the assent of the electors, the only oaths or affirmations to be required of any person claiming to vote, and appearing by the last revised Assessment Roll (if any) to have the necessary property qualifications, are, that he is of the full age of twenty-one years, and is a natural-born or naturalized subject of Her Majesty ; that he has been, if a householder, a resident within the City for six months next before the election, and that he has not before voted at

the election, or on the By-law (*as the case may be*); and that he is the person named in the last revised Assessment Roll, (*or when there has not yet been an Assessment Roll*) that he is a freeholder or householder in (naming the property entitling him to vote at the election); and that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at this election; and such oaths shall be administered at the request of any candidate or elector; and no inquiries shall be made of any such person except with respect to the facts specified in such oaths or affirmations.

XXI. The Returning Officer shall at the close of the poll add up the number of votes set down for each candidate (except for the office of Mayor), and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the poll.

XXII. In case two or more candidates have an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of such candidates so as to decide the election; and except in such case, no Returning Officer or Poll Clerk shall vote at any election held by him.

XXIII. The Returning Officer shall, within three days after the close of the election, return the poll-book to the Clerk of the City from whom he received the copy of the Assessment Roll, and also his solemn declaration under oath thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected.

XXIV. The Mayor shall be chosen by the electors of the City at the annual election to be held at the same time as the election of Aldermen.

XXV. A meeting of the electors shall take place for the nomination of candidates for the Mayoralty at the City Hall, or for the first election at a place to be named by the Clerk, on the last Monday before the annual election, at ten o'clock of the forenoon.

XXVI. The City Clerk shall preside at such meeting, or in case of his absence the Council shall appoint a person to preside in his place: if the Clerk or the person so appointed

does not attend, the electors present shall choose a chairman or person to officiate from among themselves.

XXVII. Such Clerk or Chairman shall have all the powers of a Returning Officer.

XXVIII. If only one qualified candidate has been within one hour proposed by any elector present at such meeting, the Clerk or Chairman shall declare such candidate duly elected Mayor.

XXIX. If more candidates than one are proposed, and if a poll is demanded, the Clerk or Chairman shall on the following day post up in the office of the Clerk the names of the persons proposed, and give notice thereof to the Returning Officer for every Ward.

XXX. Every Returning Officer shall enter in his poll-book in separate columns, the names of the candidates for the office of Mayor, as well as the names of the candidates for the offices of Aldermen, and shall in the column in which is entered the name of a candidate for Mayor voted for by any voter, set the number "1" opposite the voter's name.

XXXI. Every Returning Officer shall, on the day after the close of the poll, return the poll-book to the City Clerk, verified as to the election of Mayor, as well as in the other particulars required by this Act.

XXXII. The City Clerk shall add up the number of votes set down for each candidate for Mayor in the respective poll-books so returned, and ascertain the aggregate number of such votes; and in case a poll has been taken and the poll-books have been returned for every Ward, the Clerk shall, at the City Hall, or at his office should there be no City Hall, at noon of the day following the return of the poll-books, declare elected the candidate having the largest number of votes polled.

XXXIII. In case there be not a majority for any one candidate, the Clerk shall declare that two or more candidates, naming them, have an equal number of votes; or in case no return has been made for one or more Wards in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, he shall declare the want of returns for such Ward or Wards, and the cause thereof.

XXXIV. The Mayor elect shall make and subscribe the necessary declarations of office and qualification on the day appointed for the first meeting of the Council, and shall afterwards administer the necessary declarations to the other members of the Council.

XXXV. No other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same.

XXXVI. In case two or more candidates for Mayor have an equal number of votes, the members for the Council shall take the necessary declarations before the Clerk, and shall after doing so organize themselves as a Council by electing as Mayor one of such candidates ; the Clerk presiding at the election.

XXXVII. In case no return be made for one or more Wards in consequence of non-election, owing to interruption by riot or other cause, the members of the Council elect being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen to be the presiding officer, at which election the Clerk shall preside ; and such officer shall take the necessary declarations and possess all the powers of Mayor until a poll for such Ward or Wards has been held under a warrant in the manner provided for in the thirty-fourth section of this Act.

XXXVIII. When the poll has been duly held in each of such Wards, and the poll-books returned to the Clerk, the Clerk shall add up the number of votes for Mayor therein set down for the respective candidates, and ascertain the aggregate number of votes for Mayor contained in such last-mentioned poll-books, together with the votes contained in the poll-books previously returned for the other Wards, and shall, at noon on the next day, at the City Hall, or at the office of the Clerk, declare elected Mayor the candidate having the greatest number of votes polled, or declare that there is an equality of votes for two or more candidates (*as the case may be*).

XXXIX. In case of an equality of votes, the Council shall appoint as Mayor one of the candidates between whom the equality exists.

XL. The person so elected or appointed shall forthwith make the declaration in manner provided for Mayors, and assume the office of Mayor accordingly.

XLI. In case a member of Council be convicted of felony or infamous crime, or be declared a bankrupt, or be charged in execution for debt, and remains in close custody, or upon the gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or absents himself from the meetings of the Council for three months without being authorized by a resolution of the Council entered on its minutes, his seat in the Council shall thereby become vacant.

XLII. In any case provided for by the forty-first section, or in case a person elected to a Council neglects or refuses to accept office or to make the necessary declarations for office, or in case a vacancy occurs in the Council caused by death, judicial decision or otherwise, the Head of the Council for the time being, or in case of his absence or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of Clerk, one of the members of the Council shall forthwith, by warrant under the signature of such Head, Clerk or member, and under the corporate seal, require the Returning Officer appointed to hold the last election for the Town, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid or to fill the vacancy

XLIII. Every Mayor or Alderman so elected to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer.

XLIV. Before the Returning Officer shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said City is hereby authorized to administer, that is to say :

“I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Returning Officer at the election which I am about to hold for persons to serve as members of the City Council of Winnipeg. So HELP ME GOD.”

XLV. The Members of the Council shall hold their first meeting at noon on the third Monday in the same January,

in which they are elected, or on some day thereafter at noon.

XLVI. Every Council may adjourn its meetings from time to time.

XLVII. Seven members of the Council shall constitute a quorum.

XLVIII. Every Returning Officer, and Returning Officer's Clerk, every member of the Council, every Clerk, Assessor, Collector, Constable and other officer appointed by a Council, shall, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

"I, A. B., do solemnly promise and swear that I will faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (or appointed) in this City; and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office. So HELP ME GOD."

XLIX. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

"I, A. B., do solemnly swear, that I am a natural-born (or naturalized) subject of her Majesty; that I am truly and *bona fide* seized or possessed to my own use and benefit of such an estate (*specifying the nature of such an estate*) as doth qualify to act in the office of (*naming the office*) for the City of Winnipeg, according to the true intent and meaning of the Act to incorporate the City of Winnipeg. So HELP ME GOD."

L. In case, by reason of a riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof the Returning Officer shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until the poll has been open without interruption, and with free access to voters, for eight hours in all, in order that all the electors so intending may have had a fair opportunity to vote.

LI. The Mayor shall be deemed the head of the Council and the head and chief executive officer of the Corporation, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the City to be duly executed and put in force; to inspect the conduct of all the subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the City.

LII. If the election of the Mayor, or of one or more of the Aldermen be contested, such contestation may be tried in term or vacation by a Judge of the Court of Queen's Bench, or County Court, in and for the County of Selkirk; and any municipal elector in the City may be the relator.

LIII. The proceedings for the trial shall be as follows:

(1.) If within six weeks after the election, or one month after acceptance of office, the relator shews by affidavit to any such Judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge, or before a Commissioner for taking bail, in the sum of two hundred dollars, with two securities (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of one hundred dollars each, conditioned to prosecute the Writ with effect, or to pay the party against whom the same is brought, any costs which may be adjudged to him against the relator, the Judge shall direct a Writ of Summons in the nature of a *quo warranto* to be issued to try the matters contested.

(2.) In case the relator alleges that he himself, or some other person, has been duly elected, the Writ shall be to try the validity, both of the election complained of, and the alleged election of the relator, or other person.

(3.) In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one Writ against such persons.

(4.) Where more Writs than one are brought to try the validity of an election, all such Writs shall be

able before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit.

(5.) The Writ shall be issued by the Prothonotary of the said Court of Queen's Bench, or by the Clerk of the County Court, and shall be returnable before the Judge in Chambers, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the Writ.

(6.) The Judge before whom the Writ is made returnable, or is returned, may, if he thinks proper, order the issue of a Writ of Summons at any stage of the proceedings to make the Returning Officer a party thereto.

(7.) Every Writ served under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge, upon being satisfied thereof by affidavit or otherwise, may make an order for such substitutional service as he thinks fit.

(8.) The Judge before whom the Writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable, or entitled, to costs like any other party to the proceedings.

(9.) The Judge shall in a summary manner, upon statement and answer without formal pleadings, hear and determine the validity of an election, and may by order cause the Assessment Rolls, Collector's Rolls, Poll Books, and any other records of the election, to be brought before him, and may inquire into the facts on affidavit, or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by Writ of Trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient.

(10.) In case the election complained of be adjudged invalid, the Judge shall forthwith, by Writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a Writ to issue, causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the Writ cause a new election to be held.

(11.) In case the election of all the members of the Council be adjudged invalid, the Writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council, shall be directed to the Clerk of the Council, who shall have all the powers for causing the election to be held which the Council has in order to supply vacancies therein.

(12.) Any person whose election is complained of may, within one week after service on him of the Writ, transmit through the Post Office, post-paid, directed to the Judge appointed to try the case, or to the Clerk, a disclaimer signed by him to the following effect: "I, A. B., upon whom a Writ of Summons in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of Alderman (or as the case may be) for the City of Winnipeg, do hereby disclaim the said office, and all defence of any rights I may have to the same."

Dated the day of , 18
 (Signed) A. B——.

(13.) Such disclaimer, or the envelope containing the same shall moreover be endorsed on the outside thereof with the word "Disclaimer," and be registered at the Post Office where mailed.

(14.) Every person so disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council.

(15.) No costs shall be awarded against any person disclaiming as aforesaid, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which cases the costs shall be in the discretion of the Judge.

(16.) In all cases not otherwise provided for, costs shall be in the discretion of the Judge.

(17.) The decision of the Judge shall be final; and he shall, immediately after his judgment, return the Writ and Judgment with all things had before him touching the same into the Court from which the Writ issued, there to remain of record as Judgment of the said Court; and he shall, as occasion requires, enforce such Judgment by a Writ in the

nature of a Writ of Peremptory Mandamus, and by Writs of Execution for the costs awarded.

(18.) The Judges of the Court of Queen's Bench, or a majority of them, may, by rules made by them, settle the forms of the Writs of Summons, *Certiorari*, Mandamus and Execution, and may regulate the practice respecting the suing out, service and execution of such Writs, and the punishment for disobeying the same or any other Writ or order of the Court or Judge, and respecting the practice generally in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid.

LIV. The subsequent meetings of the Council after the first shall be held at such place, and from time to time as the Council by resolution on adjourning, to be entered on the minutes, or by By-law appoints.

LV. The Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct

LVI. In case there is no By-law of a Council fixing the place of meeting, any special meeting of the Council shall be held at the place where the three last meetings of the Council were held; and a special meeting may be opened or closed, as in the opinion of the Council, expressed by resolution in writing, the public interest requires.

LVII. The Mayor shall preside at meetings of Council; and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the Council.

LVIII. In case of the death or absence of the Mayor, the Council may from among the members thereof appoint a presiding officer who, during such absence, shall have all the powers of the Mayor.

LIX. If the person who ought to preside at any meeting does not attend within a reasonable time after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present.

LX. The Mayor or the presiding officer or chairman of any meeting of the Council may vote with the other members on all questions, and any question on which there is an equality of votes, shall be deemed to be negatived.

LXI. Any member of the Council may, with the consent of the majority of the members of the Council, to be entered on the minutes, resign his seat in the Council, and the vacancy shall be supplied as in the case of a natural death.

LXII. The Council, at its first general meeting, or at a special meeting held within fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called "Clerk of the City of Winnipeg," and the Clerk shall duly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records, and accounts of the Council; and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all By-laws, and of all minutes of the proceedings of the Council, all which he shall so keep in his office, or in the place appointed by By-law of the Council.

LXIII. Any person may inspect any of the particulars aforesaid at all seasonable times; and the Clerk shall within a reasonable time furnish copies thereof to any applicant, at the rate of twenty cents per hundred words, and shall on payment of his fee therefor, furnish, within a reasonable time to any elector of the City or to any other person interested in any By-law, order or resolution, or to his attorney, a copy of such By-law, order or resolution, certified under his hand and under the corporate seal.

LXIV. The Council shall appoint a Chamberlain, who before entering on the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands.

LXV. The Chamberlain shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons, and in such manner as the laws of the Province, and the lawful By-laws or resolutions of the Council direct.

LXVI. The Council shall, as soon as convenient after the annual election, appoint as many Assessors and Collectors for the City as may be necessary, and shall fill up any vacancy that occurs in the said office as soon as may be convenient after the same occurs; but the Council shall not appoint as Assessor or Collector, a member of the Council, or a person who has not the same property qualification as that required for an Alderman.

LXVII. The Assessors shall state in their Assessment Rolls whether the persons named therein are freeholders or householders, or both; and shall, in separate columns for this purpose, use the initial letters F and H to signify the same respectively.

LXVIII. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act.

LXIX. The Council shall, at the first meeting thereof, in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the Mayor nominates; but no one who, at such time or during the preceding year, is or was a member, or is or was Clerk or Chamberlain of the Council, or who has, or during such preceeding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with, or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor.

LXX. The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control, or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment.

LXXI. The Auditors shall prepare an abstract of the receipts, expenditures, and liabilities of the Corporation; and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all accounts audited by them; and shall file the same in the office of the Clerk of the Council within one month after their appointment.

LXXII. The Clerk shall print and publish the Auditor's abstract, and shall also publish the detailed statement in such form as the Council directs.

LXXIII. The Council shall settle the remuneration to be given to the officers of the Council and shall provide for the payment of the same.

LXXIV. The Mayor and other members of the Council, and the subordinate officers of the City, may make declaration of office and qualification before any Justice of the Peace having jurisdiction in the City of Winnipeg, or before the Clerk of the Council.

LXXV. The jurisdiction of the Council shall be confined to the City of Winnipeg, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by By-law when not otherwise authorized or provided for.

LXXVI. The Council may make regulations not specially provided for by this Act, and not contrary to law, for governing the proceedings of the Council, the conduct of its members, and the appointing or calling of special meetings of the Council; and generally, such other regulations as the good of the inhabitants of the City requires; and may repeal, alter and amend its By-laws, save as by this Act restricted.

LXXVII. Every By-law shall be under the seal of the Corporation, and shall be signed by the Mayor, or by the person presiding at the meeting at which the By-law has been passed, and by the Clerk of the Corporation.

LXXVIII. In case a By-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

(1.) The Council shall by the By-law fix the day, hour and place for taking the votes of the electors thereon at the place at which the election of the members of the Council is held; and shall also name a Returning Officer to take the votes at such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed By-law as herein provided for.

(2.) The Council shall, for at least one month before the final passing of the proposed By-law, publish a copy thereof in some newspaper published weekly or oftener in the City.

(3.) Appended to each copy so published shall be a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed By-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the electors.

(4.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner as nearly as may be as at an election.

(5.) The Returning Officers shall on the day after the closing of the poll, return their poll-books verified to the Clerk of the Council.

(6.) The Clerk of the Council shall add up the number of votes for and against the same, and shall certify to the Council, under his hand, whether the majority have approved or disapproved of the By-law; and shall keep the same with the poll-book among the records of his office.

LXXIX. In case an offence be committed against a By-law of the Council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the City, or where the offence was committed, may try and determine any prosecution for the offence.

LXXX. The Justice or other authority before whom a prosecution is had for an offence against a By-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by the By-law, with the costs of prosecution, and may by warrant under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offenders.

LXXXI. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term specified in the By-law, such time not to exceed twenty-one days.

LXXXII. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Corporation, unless the prosecution is brought in the name of the Corporation, and in that case the whole of the pecuniary penalty shall be paid to the Corporation.

LXXXIII. The Mayor shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the By-laws of the City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office.

LXXXIV. All debentures and other specialities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and be signed by the Mayor, or by some other person authorized by By-law to sign the same, otherwise the same shall not be valid.

LXXXV. Any debenture issued under the formalities required by law by the Corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

LXXXVI. Any such debenture issued as aforesaid, shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum.

LXXXVII. The Council shall assess and levy on the whole rateable property within its jurisdiction a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year.

LXXXVIII. The Council may, under the formalities required by law, pass By-laws for contracting debts by borrowing money, or otherwise, and for levying rates for payment of such debts on the rateable property of the town, for any purpose within the jurisdiction of the Council; but no such By-law shall be valid which is not in accordance with the following restrictions and provisions:

(1.) The By-law shall name a day in the financial year in which the same is passed, when the By-law shall take effect,

and the whole of the debts and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect.

(2.) The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest ; such special rate shall be sufficient, according to the amount of rateable property appearing by the last revised Assessment Rolls, to discharge the debt and interest when respectively payable.

(3.) The By-law shall recite. (1.) The amount of the debt which such new By-law is intended to create, and, in some brief and general terms, the object for which it is to be created. (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest. (3.) The amount of the whole rateable property of the City, according to the last revised Assessment Rolls ; and (4.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act.

LXXXIX. Every By-law for raising upon the credit of the City any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the City in the matter provided for in this Act.

XC. The Council may pass By-laws :

(1.) For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a City Hall, and other houses and buildings required by, and being upon the land of, the Corporation, and for disposing of such property when no longer required ;

(2.) For appointing all officers that are necessary in the affairs of the Corporation, and for regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ;

(3.) For inflicting reasonable fines and penalties not exceeding twenty dollars, including costs ;

(a) Upon any person for the non-performance of his duties, who has been elected or appointed, to any office in the Corporation, and who has accepted such office and taken the

oaths, and afterwards neglects the duties thereof; and (b) For breach of any of the By-laws of the Corporation; and

(4.) For collecting such penalties by distress and sale of the goods and chattels of the offender.

(5.) For inflicting reasonable punishment, by imprisonment, either in a lock-up house in the City, or in the county or provincial gaol, for any period not exceeding twenty-one days, for breach of any of the By-laws of the Council in case of non-payment of the fine inflicted for any such breach, and of there being no distress found out of which such fine can be levied;

(6.) For granting certificates to obtain tavern licenses (that is licenses for the retail of spirituous, fermented, or other manufactured liquors to be drunk in the inn, ale-house, beer-house, or other house or place of public entertainment in which the same is sold, under the License Act, 1873, and for granting grocery licenses, (that is licenses for the sale of such liquors in shops, stores or places other than inns, ale-houses, beer-houses, or places of public entertainment), under the said Act. One-half the amount received by the Government for licenses within the City, shall be paid over to the Corporation of the City to form part of the City funds.

(7.) For declaring the terms and conditions required to be complied with by an applicant for a tavern or shop license, and the security to be given by him for observing the same;

(8.) For limiting the number of tavern and shop licenses respectively;

(9.) For regulating the houses or places licensed. —

(10.) For prohibiting the sale by retail of spirituous, fermented, or other manufactured liquors, in any inn or other house of entertainment, and for prohibiting the sale thereof in shops and places other than houses of public entertainment; Provided the By-law, before the final passing thereof, has been duly approved by the electors of the City in the manner provided by this Act.

XCI. The Council may pass By-laws:

(1.) For appointing annually, one or more fit and proper persons, possessing the same property qualifications, as that required for the Aldermen of the City, to be Inspector of

Shop and Tavern Licenses, who shall hold office during the current year, and any vacancy occurring during the year shall be filled by the Council for the remainder of such year,

(2.) For fixing and defining the duties, powers, and privileges of the Inspectors so appointed ; the remuneration they shall receive, and the security to be given by them for the efficient discharge of the duties of their office ; such By-laws not being contrary to law ;

(3.) For regulating and governing all persons who for hire or gain, directly or indirectly, keep, or have in their possession, or on their premises, any billiard table, and for fixing the sum to be paid for a license so to have or keep such billiard table, and the time such license shall be in force ;

(4.) For limiting the number of, and regulating victualling houses, and licensing the same.

XCII. All sums of money levied for licenses, over and above the sum payable to the Province shall belong to the City.

XCIII. The Mayor with any one Justice of the Peace having jurisdiction in the City, upon complaint made on oath, to them or one of them, of riotous or disorderly conduct in any inn, tavern, ale or beer-house, situate in the City, may summon the keeper of the inn, tavern, ale or beer-house, to answer the complaint, and may investigate the same summarily, and either dismiss the complaint, with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just.

XCIV. The Council may pass By-laws :

(1.) For obtaining such real property as may be required for the erection of common school houses thereon, and for other common school purposes, and for the disposal thereof, when no longer required ; and for the providing for the establishment and support of common schools according to law ;

(2.) For preventing cruelty to animals ;

(3.) For imposing a tax on the owners, possessors or harborers of dogs ;

(4.) For killing dogs running at large contrary to the By-laws ;

(5.) For preventing the injuring or destroying of trees planted or preserved for shade or ornament ;

(6.) For preventing the pulling down or defacing of sign boards and of printed or written notices ;

(7.) For authorizing any corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit; and for acquiring stock in, or lending money to, any such company.

XCV. The Council may pass By-laws :

(1.) For appointing Inspectors :

(2.) For visiting all places wherein weights and measures, steelyards, or weighing machines of any description are used ;

(3.) For seizing and destroying such as are not according to the standard ;

(4.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steelyards, or other weighing machines.

XCVI. The Council may pass By-laws :

(1.) For enforcing the due observance of the Sabbath according to law.

(2.) For preventing the sale or gift of intoxicating drinks to a child, apprentice, or servant, without the consent of a parent, master, or legal protector.

(3.) For preventing the posting of indecent placards, writings, or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ;

(4.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and

other immorality and indecency, in streets, highways, or public places ;

(5.) For suppressing tippling-houses and houses of ill-fame ;

(6.) For preventing or regulating horse-racing ;

(7.) For preventing or regulating and licensing exhibitions held or kept for hire or profit ;

(8.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge-et-noir, roulette tables, and other devices for gambling ;

(9.) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway, or public place ;

(10.) For preventing indecent exposure of the person and other indecent exhibitions ;

(11.) For preventing or regulating the bathing or washing the person in any public place near a public highway.

XCVII. The Council may pass By-laws for the following purposes :

(1.) For regulating and governing Auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction ; and for fixing the sum to be paid over and above the Provincial duty for every such license ;

(2.) For licensing, regulating, and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become householders or permanent residents in the City, or who go from place to place or to other men's houses, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the City ;

(3.) For regulating ferries between any two places in the City ; and establishing the rates of ferriage to be taken thereon ;

(4.) For regulating the encumbering, injuring or fouling by animals, vehicles, vessels or other means, of any public wharf, sewer, shore, river or water;

(5.) For establishing, protecting and regulating public wells, reservoirs, and other conveniences for the supply of water, and for making reasonable charges for the use thereof; and for preventing the wasting and fouling of public water.

MARKETS.

XCVIII. The Council may pass By-laws :

(1.) For establishing markets, and for regulating the same ;

(2.) For regulating the sale by retail in the public streets of any meat, vegetables, fruit or beverages ;

(3.) For regulating the buying and selling of articles or animals exposed for sale or market in the open air ;

(4.) For regulating the place and manner of selling and weighing butcher's meat, fish, hay, straw, fodder, wood and lumber ;

(5.) For preventing the forestalling, regrating, or monopoly of market grains, meats, fish, fruits, roots and vegetables ;

(6.) For preventing and regulating the purchase of such things by hucksters or runners living within the City ;

(7.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel ;

(8.) For imposing penalties for light weight, or short count, or short measurement in anything marketed ;

(9.) For regulating all vehicles, vessels and other things within the City in which anything is exposed for sale, or marketed in any street or public place, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid ;

(10.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the By-law ;

(11.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ;

(12.) For selling, after six hours' notice, butcher's meat distrained for rent of market stalls ;

(13.) For preventing or regulating the bathing or washing the person in any public water in or near the City ;

(14.) For preventing and abating public nuisances ;

(15.) For preventing or regulating the construction of privy vaults ;

(16.) For causing vacant lots to be properly enclosed ;

(17.) For preventing or regulating the erection or continuance of slaughter houses, tanneries, breweries, distilleries, or other manufactures or trades which may prove to be nuisances ;

(18.) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places ;

(19.) For preventing or regulating the firing of guns, or other firearms ; and the firing or setting off of fireballs, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace ;

(20.) For preventing immoderate driving in highways or streets ; for preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor ;

(21.) For providing for the health of the City and against the spreading of contagious or infectious diseases ;

(22.) For regulating the interment of the dead, and for preventing the same taking place within the City ;

(23.) For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibusses and other vehicles used for hire ; for establishing the rates of fare to be taken by the owners or drivers, and for enforcing payment thereof ;

(24.) For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for

regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land as well within as without the City, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor ;

(25.) For appointing fire wardens, fire engineers and firemen, and promoting, establishing and regulating fire companies, hook and ladder companies, and property saving companies ;

(26.) For preventing or regulating the carrying on of manufactories or trades, dangerous in causing or promoting fires ;

(27.) For preventing, and for removing or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire ;

(28.) For regulating the construction of chimneys as to dimensions and otherwise ; and for enforcing the proper cleaning of the same ;

(29.) For regulating the mode of removal and safe-keeping of ashes ;

(30.) For regulating and enforcing the erection of party walls ;

(31.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident ;

(32.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ;

(33.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ;

(34.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and the preservation of property at fires.

XCIX. The Council may pass By-laws :

(1.) For regulating the erection of buildings and preventing the erection of wooden buildings and wooden fences in specified parts of the City ;

(2.) For establishing, regulating and maintaining a police, but subject to the other provisions of this Act on that head ;

(3.) For aiding charitable institutions in the City ;

(4.) For compelling persons to remove snow, ice, and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the sidewalks, street or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default ;

(5.) For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, and privies ; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with the cost thereof if done by the Council on their default ;

(6.) For making any other regulations for sewerage or drainings that may be deemed necessary for sanitary purposes.

C. The Council may pass By-laws :

(1.) For empowering any person (resident or non-resident) liable to statute labor within the City, to compound for such labor, for any term not exceeding five years at any sum, not exceeding one dollar for each day's labor.

(2.) For providing that a sum of money, not exceeding one dollar for each day's labor, may or shall be paid in commutation of such statute labor ;

(3.) For enforcing the performance of statute labor, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

(4.) For regulating the manner and the divisions in which statute labor or commutation money shall be performed or expended.

CI. The Council may pass By-laws :

(1.) For opening, making, preserving, improving, repairing, widening, altering, directing, stopping up and putting down, drains, sewers, water-courses, roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the Council ; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ;

(2.) For raising money by toll on any bridge, road or other work to defray the expense of making or repairing the same ;

(3.) For regulating the driving and riding upon public bridges.

CII. Every public street, bridge or other highway in the City, shall be vested in the City, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved.

CIII. Every such road, street, bridge and highway shall be kept in repair by the Corporation.

CIV. The Council may pass By-laws :

(1.) For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound ;

(2.) For restraining or regulating the running at large of any animals, and providing for impounding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law.

CV. The Mayor and Aldermen shall be *ex-officio* Justices of the Peace in and for the City during their term of office.

CVI. Nothing herein contained shall limit the power of the Lieutenant-Governor to appoint under the Seal of the Pro-

vince any number of Justices of the Peace for the City, or shall interfere with the jurisdiction of Justices of Peace for the County of Selkirk over offences committed in the City, except only so far as respects offences against the By-laws of the City, and penalties for refusal to accept office or to make the declarations of office in the City,—as to which jurisdiction shall be exercised exclusively by the Mayor or Justices of the Peace for the City.

CVII. The Council shall establish in the City a Police Office, and the Mayor shall attend at such Police Office daily, or at such times, and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace ; and any Justice of the Peace having jurisdiction in the City, may, at the request of the Mayor thereof, act in his stead at the Police Office ; but, except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by Proclamation for a Public Fast or Thansgiving.

CVIII. The Clerk of the Council, or such other person as the Council may appoint for that purpose, shall be Clerk of the Police Office thereof, and perform the same duties, and receive the same emoluments as Clerks of Justices of the Peace.

CIX. The Sheriff and Gaoler of the County of Selkirk, shall be bound, and they are hereby authorized and required to receive and safely keep, until duly discharged, all persons committed to their charge by the Mayor, or any Justice of the Peace having jurisdiction in the said City, and the City shall pay to the Province such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon.

CX. The Council may, by By-laws, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any By-law of the Council ; and of persons detained for examination on a charge of having committed any offence against the City By-laws, and of persons detained for transmission to the county gaol, either for trial, or in the execution of any sentence.

CXI. When the Assessor who shall be appointed for the City shall have made a valuation of all the rateable property of the said City, they shall deposit the Assessment Roll with the Clerk of the said City, and notice of such deposit shall

be given by the Clerk in the same manner as notice of an election of Alderman; and at the next ensuing meeting of the said Council, the said Assessment Roll shall be produced, and, if they desire it, examined by the Aldermen; and the Assessment Roll shall be deposited in the office of the Clerk for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons interested, whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved, may give notice in writing to the Clerk of their intention to appeal to the said City Council at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Alderman, shall confirm or alter the valuation the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said Assessment Roll shall be declared closed, unless, however, from the number of appeals the Council shall be compelled to adjourn, in which case the said Assessment Roll shall not be declared closed until all the appeals shall have been heard and determined: Provided always, that if, after the said Assessment Roll shall have been declared closed as aforesaid, any property in the said City should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the Assessors to reduce their valuation of such property to its true actual value: and provided also, that if any omission shall have been made in the said Assessment Roll, the said Council may order the Assessors to value any property as admitted in order to its being added to the Roll.

(1.) An appeal shall lie against any decision of the Council in objections to the Assessment Roll by any persons considering him or themselves aggrieved, even after the said Assessment Roll shall have been declared closed, to the Court of Queen's Bench or to any one Judge thereof; and such appeal shall be heard and determined in Term or in Chambers, in a summary manner, and all proceedings on so much of the Assessment Roll as shall be appealed from, shall be stayed till judgment shall be pronounced, and for ten days next thereafter.

CXII. All land and personal property in the City of Winnipeg shall be liable to taxation, subject to the following exemptions, that is to say:—

Exemptions.

(1.) All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for or for the use of any tribe or body of Indians, and either unoccupied, or occupied by some person in an official capacity.

(2.) When any property mentioned in the preceding clause number one, is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable.

(3.) Every place of worship, and land used in connection therewith, church yard or burying ground.

(4.) The buildings and grounds of and attached to every University, College, incorporated Grammar School, or other incorporated Seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied.

(5.) Every Public School House, Court House, Gaol, House of Correction, Lock-up House and Public Hospital with the land attached thereto, and the personal property belonging to each of them.

(6.) The Provincial Penitentiary and the land attached thereto.

(7.) Every Poor House, Alms House, Orphan Asylum, House of Industry and Lunatic Asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

(8.) The property of every Public Library, Mechanics' Institute and other public literary or scientific institution, and of every Agricultural or Horticultural Society, if actually occupied by such society.

(9.) The official income of the Lieutenant-Governor of the Province.

(10.) All pensions of two hundred dollars a year and under payable out of the public moneys of the Dominion of Canada, or of the Province.

(11.) So much of the personal property of any person as is invested in mortgage upon land or is due to him on account of the sale of land, the fee or freehold of which is vested in him or is invested in the debentures of the Province, or of any municipal corporation thereof, and such debentures.

(12.) The Stock held by any person in any Railroad Company.

(13.) All property, real or personal, which is owned out of the City.

(14.) So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or may be unpaid on account of the purchase money therefor.

(15.) The net personal property of any person: Provided the same does not exceed four hundred dollars.

(16.) The annual income of any person: Provided the same does not exceed four hundred dollars.

(17.) The stipend or salary of any minister of religion, and the parsonage or dwelling house occupied by him, with the lands thereto attached.

(18.) Rental or other income derived from real estate, except interest or mortgages.

(19.) Household effects of whatever kind, books and wearing apparel.

CXIII. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said City, may be recovered either from the proprietor, tenant, or occupant of such property or house; and if such tenant or occupier be not bound by lease or other stipulation, to pay such tax or assessment, such tenant or occupier may, and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property.

CXIV. The rate shall be calculated at so much in the dollar upon the actual value of all real and personal property liable to assessment in the said City.

(1.) In assessing vacant ground or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where as sales can be reasonably expected during the current year, the Assessors shall value such land as though it was held for farming or gardening purposes, with such per centage added thereto as the situation of the land may reasonably call for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the Assessment Roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot, as the case may be: Provided, that in such case the number and description of each lot comprising each such block shall be inserted on the Assessment Roll; and each lot shall be liable for a proportionate share as to value and the amount of the taxes, if the property is sold for arrears of taxes.

(2.) When ground is not held for the purposes of sale, but *bona fide* inclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation, which, at six per centum, would yield a sum equal to the annual rental, which, in the judgment of the Assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages.

CXV. The Council shall every year make estimates of all sums which may be required for the lawful purposes of the City for the year in which such sums are required to be levied, making due allowance for the cost of collection, and for the abatements and losses which may occur in the collection of the tax.

CXVI. The Council may pass one or more By-laws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the Council may deem sufficient to raise the sums required on such estimates; but the rate or rates levied in each year shall not exceed one cent in the dollar on the assessed value of the property therein.

CXVII. The Assessors shall prepare an Assessment Roll, in which, after diligent enquiry, they shall set down, according to the best information to be had ;

(1.) The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the City who have taxable property therein.

(2.) All property, the names of the owners of which shall not be ascertained by the Assessor or Assessors, shall be entered in the Assessment Roll as absentee property, and may be rated at the same rate as other property within the City, and the amount so rated shall be a first charge and lien on such property respectively.

(3.) The description and extent or amount of property assessed against each.

CXVIII. Lands occupied by the owner shall be assessed in his or her name.

CXIX. As to land not occupied by the owner, but of which the owner is known, and who, at the time of the assessment being made, resides, or has a legal domicile or place of business in the City, or who has signified personally, or by writing to the Assessor, that he owns the land and desires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against the owner and occupant if such occupant be any other person than the owner.

CXX. It shall be the duty of every person assessable in the City, to give all necessary information to the Assessors, and if required by one or more of the Assessors he shall deliver to him or them a statement in writing, signed by such person (or by his agent if the person himself be absent,) containing all the particulars respecting the property assessable against such person which are required in the Assessment Roll.

CXXI. In case any person fails to deliver to the Assessor, or Assessors, the written statement mentioned in the preceding section when required so to do, such person shall forfeit to the Corporation the sum of twenty dollars, to be recovered as a debt due to such Corporation.

CXXII. No person in Her Majesty's naval or military service on full pay, or on actual service, shall be liable to perform statute labor or to commute therefor.

CXXIII. Every other male inhabitant of the City of the age of twenty-one years and upwards, who has not been assessed upon the Assessment Roll of the City, or whose taxes do not amount to two dollars, shall be taxed at two dollars yearly, and collected in the same manner as other taxes.

CXXIV. The Clerk of the City shall make out Collector's Roll for the City, on which he shall set down the name of every person assessed, the assessed value of his real and personal property, and the amount with which the party is chargeable in respect of sums ordered to be levied by the Council, and any other particulars that may be necessary.

CXXV. The Collector, upon receiving his Collector's Roll, shall proceed to collect the taxes therein mentioned.

CXXVI. He shall call at least once on the person taxed, or at the place of his usual residence, if within the City, and shall demand payment of the taxes payable by such person, or leave a notice demanding the same.

CXXVII. If any person whose name appears on the roll be not resident within the City, the Collector shall transmit to him by post at his last known residence, a statement and demand for the taxes charged against him in the roll.

INTERPRETATION CLAUSE.

CXXVIII. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act, the meanings hereinafter expressed attach to the same namely :

(1.) The word "Council" means the Council of the City of Winnipeg.

(2.) The words "land," "lands," "real estate," "real property," respectively include lands, tenements and hereditaments, and all rights thereto and interests therein.

(3.) The words "highway," "road," or "bridge," mean respectively a public highway, road or bridge.

(4.) The word "electors" means the persons entitled for the time being to vote at the municipal elections in the City.

(5.) The term "property" includes both real and personal property.

(6.) The terms "personal estate" and "personal property" include all goods, chattels, shares in incorporated companies, at their full value, and all other property except real estate and real property as above defined. .

CXXIX. This Act shall be deemed a Public Act.

True Copy.

MOLYNEUX ST. JOHN,
Clerk Legislative Assembly.